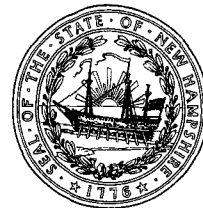




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

July 25, 2005

**LETTER OF DEFICIENCY# WSEB 05-077**  
Certified Mail #7099 3400 0003 0690 1773

Albert Witham  
58 Brown Road  
Deerfield, NH 03037

Subject: Fremont - Public Water System: Countryside Homes (EPA# 0873010)

Dear Mr. Witham:

The records of the NH Department of Environmental Services (DES) show that the Countryside Homes water system is classified as a community water system, as defined by RSA 485:1-a. A community water system is defined as a public water system that serves at least 15 service connections used by year-round residents, or regularly serves at least 25 year-round residents. As such, the water system is required to comply with applicable provisions of NH Administrative Rule Env-Ws 300, *New Hampshire Drinking Water Rules*.

**2005 Chemical Monitoring and Public Notice Violations**

Countryside Homes was scheduled to submit Uranium and Radium 226/228 samples in Quarter 1 - 2005 (Q1-05), but failed to do so. On June 14, 2005, DES issued Notices of Violation (NOVs) for these violations. The NOV for the Uranium violation noted that public notice of the violation was required to be given to consumers within 30 days, and that proof of public notice was to be sent to DES within 10 days of performing the public notice. To date, DES has not received proof of public notice for this violation, placing the system in violation of Env-Ws 351.

**This Letter of Deficiency shall serve as the formal Notice of Violation for failure to submit the following required Q2-05 samples: Combined Radium 226/228, Synthetic Organic Chemicals (SOC), Nitrate, and Volatile Organic Chemicals (VOC).**

DES acknowledges that Countryside Homes has a tentative plan to hook into the Town of Raymond water system. Be advised that until such time as the connection to the Town of Raymond is completed, Countryside Homes' Master Sampling Schedule (copy enclosed) remains in full force and effect. Please note that the monitoring/reporting violations being incurred in 2005 will be required to be reported in the system's 2006 CCR.

DES believes the chemical monitoring and public notice violations can be corrected by taking the following actions:

1. **By August 12, 2005**, submit proof of public notice to DES for the Q1-05 violation for failing to collect a Uranium sample, in accordance with the guidelines on the enclosed public notice template; and

2. **By August 12, 2005**, submit the overdue Combined Radium 226/228, SOC, VOC, and Nitrate samples to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the samples to your laboratory.

### **Consumer Confidence Report**

Pursuant to Env-Ws 352, a community water system owner is required to issue an annual Consumer Confidence Report (CCR) to the system's customers. The CCR discloses water quality information that includes, but is not limited to, the levels, sources, and potential health effects of any detected regulated contaminants; specific information on any maximum contaminant level (MCL) violations; and the identification of any monitoring/reporting and public notice violations incurred by the water system during the previous calendar year. Env-Ws 352 also requires the system owner to forward a copy of the CCR to DES by July 1<sup>st</sup> of each year and to submit certification by October 1<sup>st</sup> of each year that the CCR has been delivered to the system's customers.

On July 5, 2005, DES received a copy of the subject water system's 2005 CCR and the certification form indicating that the CCR had been hand-delivered to all customers on June 29, 2005. A review of the CCR has determined that it contains errors and contradictions; fails to identify the numerous monitoring/reporting violations incurred by the system in 2004; fails to properly identify detected contaminants and their probable sources and potential health effects; and fails to identify a MCL violation. As such, the CCR is unacceptable and places the water system in violation of Env-Ws 352. The specific CCR requirements that were violated are as follows:

**Env-Ws 352.11** requires that the CCR report data collected during the previous calendar year.

- Your CCR states that you are reporting "the results of our 2002 water testing."

**Env-Ws 352.09 and 352.11** require that the data for any detected regulated contaminant be placed in a table format that also identifies the probable source of the contaminant. Data not required to be placed in the CCR, if included, must be in a separate table.

- Your CCR included the one-page laboratory analysis results form for your 2004 Inorganic Chemical (IOC) test. The results form contained a list of regulated and unregulated IOC contaminants, as well as several physical characteristics of the water. Barium and Fluoride, both of which are regulated contaminants, were detected. A separate table identifying the two contaminants, relevant testing data, and the probable sources of these contaminants was required, but not provided.

**Env-Ws 352.11 and 352.12** require that a detection of Radon must be reported and must include a specified statement, unless the Radon data is more than 5 years old.

- Countryside Homes detected Radon at a level of 13,000 pCi/L in 2001. This fact was not mentioned in your CCR.

**Env-Ws 352.10** requires that that an MCL violation be identified in a table format that presents a clear explanation of the violation, how long the violation has existed, the potential health effects of the contaminant using the language specified in Env-Ws 352.17, and the action(s) taken by the water system to address the violation.

- Countryside Homes submitted Uranium samples in the second and third quarters of 2004 that indicated the presence of Uranium at levels of 85 ug/L and 187 ug/L, respectively. The MCL for Uranium is 30 ug/L. In fact, a Letter of Deficiency dated

December 14, 2004, was specifically sent to your system, and copied to your operator, for this exceedance. Your CCR not only does not present this violation as required by the cited regulation, it states, "Please note we are below detectable limits on most contaminants and are below the maximum contaminant levels of all parameters." This statement misrepresents the fact that the system had been notified of an MCL exceedance.

**Env-Ws 352.10** also requires any monitoring/reporting violations to be identified in a table format similar to that required for an MCL violation, as outlined above.

- Your CCR makes no mention of any monitoring violations for calendar year 2004. DES records, however, show that the Countryside Homes committed the following **eight** monitoring/reporting (M/R) violations in 2004:
  - Four M/R violations for failure to submit quarterly Radium 226/228 results.
  - Two M/R violations for failure to submit Uranium results in the first and fourth quarters.
  - Two M/R violations for failure to submit Compliance Gross Alpha results in the first and fourth quarters.

Your CCR also contains the following statement. "How does our water quality compare to other towns? According to the CCR 2003 reports for Derry, Manchester, Epping and Raymond our water quality compares favorably with other towns." Although such a statement is a subjective opinion, it appears disingenuous at best to compare your system with its on-going Uranium violation with four municipal systems that have never incurred a chemical MCL. In addition, in response to the question "How often is my water tested?" your response was "We also test quarterly for the contaminants required of the Clean Water Act so that over time all of the possible contaminants are identified." In light of the aforementioned M/R violations, this statement is false. (For future reference, it is the Safe Drinking Water Act, not the "Clean Water Act" that mandates this monitoring.)

DES believes the CCR violations can be corrected by taking the following actions:

1. **By August 19, 2005**, prepare and deliver to the water system's customers and DES a corrected 2005 Consumer Confidence Report that meets the requirements of Env-Ws 352; and
2. **By August 26, 2005**, submit to DES a 2005 CCR certification form that attests to the delivery of a corrected 2005 CCR report to all customers of the water system; and
3. **By August 26, 2005**, submit to DES a list that identifies the name, street address, and phone number (unless it is a non-published number) of each customer of the Countryside Homes water system.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The documents requested above should be addressed as follows:

Alan Leach  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Please contact Richard Thayer at (603) 271-2950 or by email at [rthayer@des.state.nh.us](mailto:rthayer@des.state.nh.us), if you have any technical questions regarding the preparation and certification of the 2005 CCR. If you have any questions concerning this letter, please contact Alan Leach at (603) 271-2854 or by email at [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us).

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'COPY' with a flourish underneath.

Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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encl. Master Sampling Schedule  
Chemical Laboratory Results Form  
Public Notice Template

cc w/encl.: Richard Fisher, Primary Operator

cc w/o encl.: Gretchen R. Hamel, DES Legal Unit Administrator  
Harrison 'Chip' Mackey, DES Operator Certification Program  
NH Water Treatment Plant Operators Advisory Committee  
Gertrude Butler, Town of Fremont Health Officer  
EPA, Region 1